

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PROPOSED  
ARM 18.8.431, 18.8.1502, 18.8.1503, ) AMENDMENT  
and 18.8.1505 pertaining to Motor )  
Carrier Services Maximum Allowable )  
Weight and Safety Requirements ) NO PUBLIC HEARING  
 ) CONTEMPLATED

TO: All Concerned Persons

1. On May 31, 2022, the Department of Transportation proposes to amend the above-stated rules.

2. The Department of Transportation will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Transportation no later than 5:00 p.m. on May 20, 2022, to advise us of the nature of the accommodation that you need. Please contact Jeff Steeger, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-4207; fax (406) 444-9263; TTY Service (800) 335-7592 or through the Montana Relay Service at 711; or e-mail [jsteeger@mt.gov](mailto:jsteeger@mt.gov).

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter stricken:

18.8.431 MAXIMUM ALLOWABLE WEIGHT (1) remains the same.

(2) Maximum allowable weights allowed for vehicle combinations hauling divisible loads on highways cannot exceed a gross vehicle weight and single or tandem weights as described in 23 CFR 658, ~~appendix~~ Appendix C, April 1, 2015 edition. ~~Copies of the regulations may be obtained at [www.gpo.gov](http://www.gpo.gov).~~

(3) The maximum allowable gross weight for vehicle combinations hauling divisible loads on the federal interstate system and operating under the provisions of 23 CFR 658, ~~appendix~~ Appendix C, April 1, 2015 edition, or operating under 61-10-107(1)(b), MCA, on non-interstate highways is: 137,800 pounds. ~~Copies of the regulations may be obtained at [www.gpo.gov](http://www.gpo.gov).~~

(a) maximum single-axle limit: 20,000 pounds

(b) maximum tandem-axle limit: 37,500 pounds

(c) maximum tridem-axle limit:

(i) axles spaced from 94" to less than 118": 46,300 pounds

(ii) axles spaced from 118" to less than 141": 50,700 pounds

(iii) axles spaced from 141" to 146": 52,900 pounds

(d) maximum gross weight:

(i) A-Train: 118,000 pounds

(ii) B-Train (eight axle): 137,800 pounds

(iii) B-Train (seven axle): 124,600 pounds

(4) For vehicles being operated under the Montana/Alberta MOU, operations must have paid gross vehicle weight fees for the total weight being carried.

~~(4) A department weight analysis of the highway infrastructure will determine the maximum gross weight and axle weights allowed on applicable non-interstate highways. Based on this analysis, the maximum gross weight and axle weights may be less than those allowed in 23 CFR 658, appendix C, April 1, 2015 edition. Copies of the regulations may be obtained at [www.gpo.gov](http://www.gpo.gov).~~

~~(5) If periodic, subsequent analyses of any portion of the applicable non-interstate highways indicate unanticipated deterioration of the infrastructure, lower axle weights and gross weight may be required at the department's discretion.~~

~~(6) Lower weights for non-interstate highways may be required during periods of seasonal deterioration as authorized in 61-10-108, MCA.~~

~~(7) (5) Permits may be issued for the weights in 23 CFR 658, appendix Appendix C, April 1, 2015 edition, for the same permit types and under the same fee schedule provided in 61-10-125, MCA and ARM Title 18, chapter 8, subchapter 6. Copies of the CFR regulations may be obtained at [www.gpo.gov](http://www.gpo.gov).~~

~~(8) remains the same but is renumbered (6).~~

(7) Copies of the CFR regulations may be obtained at [www.gpo.gov](http://www.gpo.gov).

AUTH: 61-10-155, MCA

IMP: 61-10-107, 61-10-108, 61-10-121, 61-10-125, MCA

REASON: The proposed amendment to ARM 18.8.431 is necessary to fully implement 61-10-107(1)(b), MCA, and to match the language from 23 CFR 658 Appendix C - Maximum Allowable Weight Limits on Non-interstate Highways -- under the existing Montana/Alberta MOU. Currently ARM 18.8.431 states only that vehicle combinations with a maximum gross weight of 137,800 pounds may travel on the Eureka and Plentywood corridors. MDT proposes amending ARM 18.8.431 to clarify that all of the other combinations listed under the MOU and shown in the rule amendment language are also allowed.

18.8.1502 FEDERAL MOTOR CARRIER SAFETY RULES AND STATE MODIFICATIONS (1) Any commercial motor vehicle or motor carrier subject to regulation by the department under 61-10-154, MCA, shall comply with and the department adopts by reference the following portions of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, subject to the provisions of (2). The regulations adopted are 49 CFR part 373, 49 CFR part 375, 49 CFR parts 377 through 379, 49 CFR part 382, 49 CFR part 383, 49 CFR part 385, 49 CFR part 386 subpart F – Injunctions and Imminent Hazards, 49 CFR part 387, 49 CFR parts 390 through 399, and Appendix G to subchapter B of chapter III, Title 49 of the Code of Federal Regulations, as updated through April 8, 2024 April 1, 2022. Copies of the regulations may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at [www.gpo.gov](http://www.gpo.gov).

(2) remains the same.

AUTH: 61-10-155, MCA  
IMP: 61-10-141, 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published federal motor carrier safety regulations, thereby assuring MDT's administrative rule associated with commercial vehicle safety substantially complies with the federal motor carrier safety regulations as listed in 61-10-154, MCA.

18.8.1503 TRANSPORTATION OF HAZARDOUS MATERIALS (1) A commercial motor vehicle, motor carrier, or hazardous materials shipper shall comply with and the department adopts by reference the following federal regulations of the U.S. Department of Transportation concerning the transportation of hazardous materials: 49 CFR part 107, 49 CFR part 171, 49 CFR part 172, 49 CFR part 173, 49 CFR part 177, 49 CFR part 178, and 49 CFR part 180. The regulations adopted may be found in the Code of Federal Regulations, Title 49, chapter I, subchapters B and C, as updated through ~~April 8, 2021~~ April 1, 2022. Copies may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at [www.gpo.gov](http://www.gpo.gov).

AUTH: 61-10-155, MCA  
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published version of the federal hazardous materials regulations.

18.8.1505 SAFETY INSPECTION PROGRAM: PURPOSE AND OUT-OF-SERVICE CRITERIA (1) remains the same.

(2) In addition to the federal regulations adopted in ARM 18.8.1502, the safety inspection program will follow Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria (~~April 1, 2021~~) (April 1, 2022), incorporated by reference. A copy of the North American Standard Out-of-Service Criteria may be obtained from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319 or at [www.cvsa.org](http://www.cvsa.org).

(3) remains the same.

AUTH: 61-10-155, MCA  
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current Commercial Vehicle Safety Alliance (CVSA) North American Uniform "Out-Of-Service" criteria. The 2022 changes to the CVSA may be viewed at <http://cvsa.org/wp-content/uploads/OOSC-Changes-Letter.pdf>.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Jeff Steeger, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena Montana,

59620-1001; telephone (406) 444-4207; fax (406) 444-9263; or e-mail [jsteeger@mt.gov](mailto:jsteeger@mt.gov), and must be received no later than 5:00 p.m., May 27, 2022.

5. If persons who are directly affected by the proposed actions wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Jeff Steeger at the above address no later than 5:00 p.m., May 27, 2022.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 904 persons based on the current active 9040 U.S. DOT accounts in Montana.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Department of Transportation website at [www.mdt.mt.gov](http://www.mdt.mt.gov).

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

11. With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications.

/s/ Valerie A. Balukas  
Valerie A. Balukas  
Rule Reviewer

/s/ Malcolm "Mack" Long  
Malcolm "Mack" Long  
Director  
Department of Transportation

Certified to the Secretary of State April 19, 2022.

May 3, 2022

This is the Transportation Interim Committee's administrative rule review for proposals by the Department of Transportation and the Motor Vehicle Division.

**A. Department of Transportation**

| MAR Notice No. | Public Hearing Date | Where | Comment Due Date | Purpose  |
|----------------|---------------------|-------|------------------|--|
| 18-188         | n/a                 | n/a   | May 27, 2022     | Amend maximum allowable weight rule to implement 61-10-107(1)(b), match federal language, and clarify combinations allowed under the Montana/Alberta MOU; amend safety rules to keep up to date. |

**B. Motor Vehicle Division**

*Proposed Rules: None*